

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Public Hearing

May 11, 2006

Butte-Silver Bow Courthouse, Third Floor Council Chambers

Meeting Date: May 11, 2006

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:45 p.m. and called roll with the following results:

Members Present: Dave Palmer, Wayne Harper, Cindi Shaw, Northey Tretheway, Bob Worley and Shag Miller

Excused Absences: Ron Rowling, Ristene Hall, Meg Sharp

Approval of Minutes: Bob Worley explained that Jennifer was having e-mail problems and had a copy of the minutes for him to review.

Comments from Ron Rowling: Absent.

Citizen Comments: Charlie O'Leary, Chairman of The Local Government Commission was present.

Items not on Agenda: Bob Worley commented that he would like to have things wrapped up by the end of this month, which would leave only two-three meetings to have something ready that they can call a new charter for BSB. Bob Worley commented that there were requests for a copy of the latest charter with proposed language changes. Bob Worley stated that Bob McCarthy and Ken Weaver receive a copy of the charter draft to review. Bob Worley stated that he mailed a copy to Ken Weaver. Bob Worley called Ken Weaver to inform him that he was mailing it. Ken Weaver called Bob Worley back to make sure he got his e-mail message. Ken's e-mail read as follows: I left a phone message for you earlier this week expressing my serious concerns with proposed charter amendments. This is just a follow-up to make sure you got my message. If I can help please don't be reluctant to call. Bob Worley stated that he tried to call Ken Weaver today and he is going to be out of town the rest of the week. Ken thought it was imperative if they continue in the direction they are going that he, the commission, Bob McCarthy and possibly Paul Babb sit down and discuss the proposed charter language. Bob Worley commented that Ken's services will not be free and Ken would charge the Study Commission for his services.

Cindi asked if Ken was aware that they are having problems getting Bob McCarthy to...Bob Worley replied no and that it was not an issue.

Shag Miller asked what his hourly rate is. Bob Worley replied that he did not know.

Bob Worley stated that he took a copy of the latest charter draft to the County Attorney's Office. Bob Worley had one of the secretaries sign a letter that she received a copy.

Bob Worley commented that Bob McCarthy was not very happy with the Study Commission. He felt that the Study Commissioner was not following his advice. Bob McCarthy used adjectives that were not good towards the Study Commission. Bob Worley commented that Bob McCarthy does not think he is the Attorney of Record. The charter clearly stated that the County Attorney is the attorney for elected officials.

Bob Worley commented that Shag Miller, Northey Tretheway and Wayne Harper are going to meet with Bob McCarthy on May 16, 2006 at 12 p.m.

Shag Miller stated Bob McCarthy called Shag back and agreed to meet with Northey, Wayne and him on Tuesday, 12 p.m. at the Country Club.

Bob Worley commented that he hopes they will be able to resolve the issue and is against having to use government money to hire an outside attorney.

Shag Miller stated no matter what happens, when they get the final draft, Bob McCarthy is going to have to review it anyway. If Bob McCarthy does not want to attend the meetings then he could send someone in his place. Shag commented when Bob McCarthy came to the meetings, he was very helpful.

Shag commented the letter that they saw to the editor was actually intended for an editorial. Shag thought that Charlie was going to run it as a guest editorial. Shag stated that he got two calls. One was from Charlie's constituents who wanted to keep the number of commissioners at 12. The other call was from the lady at the animal shelter who stated if anything, get rid of the two animal wardens because they are useless. Shag commented that was the purpose for having an Administrator or Department Head running the shelter to make sure they are doing their job. Shag stated if there is a question on the cost, Great Falls contracts their animal services to the Humane Society. They pay them \$100,000.00 a year. They get all the money for licenses, spay and neuter, fines, and so forth. They handle the control, licensing and operation of the shelter... the whole program. Shag stated it was very effective. Cascade County uses a different system. In Missoula County, there are two different shelters but they are operated under the same...it is a joint effort between city and county.

Bob Worley commented that Animal Control is something that does not belong in the charter.

Shag Miller replied what could happen is they, the Study Commission could recommend that they have a department of Animal Control. Those employees could remain under

Public Works as labors, teamster's, etc. The new director could handle the control officers. Shag was not sure if they would have to be union or not.

Charlie O'Leary commented that he had a chance to meet with Greg Edelen and discussed Erin's concerns. Charlie stated that Erin would like the Animal Control Wardens to be willing to do other duties at the shelter. They told her and John VanDaveer that they would not do it. Charlie commented that there is definitely a question of who is running the show and believes the public would like to see a department, even if they are only going to have four or five employees doing everything. That would be the most efficient way of doing it. Charlie stated if you have to outlive those two guys and their employment with BSB then you have to.

Bob Worley replied that he did not think you had to outlive the two animal wardens. He thought you would have to outlive the contract or changes. Bob Worley stated one is a laborer and one is teamster.

Wayne told them even so they need to do what they are told to do.

Shag Miller commented the reason to have a department head is to have someone who will say you will help take care of the animals when you are not catching animals. John VanDaveer has a pretty full plate. Shag thought a recommendation should go before Paul Babb and the council. Shag stated 30% of public keeps asking what are they going to do with the dogs.

Northey Tretheway stated they cannot do anything more with the charter than what they can do with the council or Paul Babb. They can make a department and if those two people come over, they are going to do what they have been doing. Northey asked what is the difference between the charter doing it?

Shag replied if there is a direct supervisor that oversees five people and John VanDaveer oversees a hundred people, if there is an Administrator who is helping run the kennel and watching the two dog wardens, they can tell them you are going to do this or go to the courthouse and see how many license are in and then get together with the vets and see if they will put in a spay and neuter clinic. You have to have a direct leader because it is a direct problem.

Northey asked can't they do it now?

Shag Miller replied that they could but he feels it is the duty of the Study Commission and the public wants it to have definite direction.

Northey Tretheway replied he does not know if the public wants that.

Shag Miller replied they would have not taken the time to go the public hearing if it was not a big issue.

Northey Tretheway asked if they are that concerned, why aren't they dealing with it?

Shag Miller replied they are doing the best they can within the framework of which they have to work.

Cindi Shaw stated that she has been going to door-to-door in uptown Butte. Cindi stated she could tell them the dog issue is not the biggest issue. Cindi mentioned how she and Ristene approached Paul regarding the dog issues. Since then she has been to the shelter and had a tour of the entire place. She is very impressed. She has been talking to Judy Kruzich and they have reinstated the Animal Board. They are moving forward on the issues. They are not going to stand for certain things. Judy called her the other day regarding spay and neuter. John Sorich would like to see a third animal warden on board. Those are baby steps towards the big goal. She does not want to make big changes if she is seeing changes and progress being made. Things like that would pull them together as a team.

Cindi Shaw believed if a third animal warden came aboard it would help a lot. Cindi stated the dog that attacked her, the owners of the dog who were fined did not pay their ticket. Arlene told her what the steps are. They give the owners a time frame to pay the fine. If they do not pay within that time frame, they will have a warrant for their arrest. Cindi commented that there is a collection agency that collects on those fines.

Charlie O'Leary commented that he thinks the problems with animal warden and shelter is you have a small group of employees answering to John VanDaveer. When you think about John VanDaveer's main people, you have Jim McCarthy running the whole Road Department, Wally Choquette running the Metro Sewer Department, Bob Rowling running Parks and Recreation, Jean Pentecost running the Water Department and Gary Keeler running the Transit and Landfill. Charlie commented that he was not sure if Paul or John has thought of putting the Animal Control and Shelter under one of those people or maybe under the Health Department.

Northey Tretheway commented that other communities have it under the Law Enforcement.

Charlie O'Leary commented rather than creating a separate department, maybe it just needs to be realigned and put under Keeler or Choquette, for example.

Charlie O'Leary asked if they were going to put in the charter if they would have employees or contract the services out?

Bob Worley informed Charlie O'Leary that they could contract right now if they wanted to. They could contract John VanDaveer's position right now if they wanted.

Shag Miller stated that he spoke to Mike Shea and he thought that was a good idea. He would still be working if that were the case.

Wayne Harper agrees with Northey from the past discussion, if they don't do something it is going to be another 10 years. Every Wednesday, the council could be doing something that they are dealing with. If it is really that big of an issue to the town, the commissioners are hired and they do this day in and day out and know these things. It is a little pretentious for them, the Study Commission, to try and cure it. However, they should throw it out to the public. Wayne commented that they have had two meetings and both of them have been dominated by dog issues. You will not see a dog running around in Missoula.

Wayne Harper commented that people have to carry around sticks to go on walks in fear of the dogs running loose. It has been that way for 10 years and the commission has not done anything to change it. He truly believes if his boss tells him to do something or he won't have a job, he is going to do as he is told. There has to be direct involvement of somebody. Wayne commented if they don't take on the issue, he hopes the commission will. The more answerable it is, the more they are accountable.

Shag suggested they put it before the voters and if they don't pass it then they are back to where operations are right now. Give the voters a chance to say yes or no. Shag mentioned how Missoula spends \$495,000.00 on Animal Control. That might account for some of the fact that there is not the dog problem in Missoula that there is in Butte.

Northey Tretheway's question was is the charter the place to resolve it? Northey asked Charlie if they get a lot of complaints about dogs?

Charlie O'Leary stated that he does not and gets more complaints about horsemen.

Northey Tretheway commented that they are trying to innately the importance of the issue with issues that are supposed to be handled by the council and the Chief Executive. It does impart take away the intent of what the charter is supposed to do. Northey mentioned the Land Records Department and how it turned into a personnel issue.

Wayne Harper replied whether a charter should address something or not that can go from Paul to Judy or Lynch. He has lived in Butte for 21 years and it has remained an issue since. The commission has not done anything that has changed it. Nobody is making the wardens work, throw it in the charter and give them a chance to see if it isn't something big enough for this community or if they just show up at meetings to complain about it and they are not going to vote for it.

Northey Tretheway replied once you put it in the charter and it is contested, it takes away the creditability of the charter. Northey mentioned Anaconda and them throwing issues out to public for them to vote on.

Shag Miller commented for specific reasons, language was put in the charter at the time when things were combined or because the government was combined. The court system was partially combined but then there was no Budget and Finance department; that was created. Bob McCarthy has stated it is the best department in the County.

Northey Tretheway replied that all the changes that were made were all lumped together and very brief. There were minor changes. They did not outline every change that was recommended.

Bob Worley commented this is for the adoption and amendments of BSB charter deleting out of date language, adding stylistic changes, adopting gender neutral language and updating the fire district article as proposed by the BSB local government Study Commission.

Bob Worley mentioned the other things that were on there was the elimination of the Assessor or retention for elimination of the Auditor or retention and for elimination of the Public Administrator or retention and Superintendent of Schools. That is all they had on the ballot.

Northey Tretheway asked when the Land Records was created. Bob Worley replied 10 years ago.

Northey Tretheway replied that did not show on the charter. The same thing with Central Purchasing, that was also not being done.

Bob Worley stated unless our Council of Commissioners, Chief Executive and elected officials do what the charter says they are supposed to do, they can write language in the charter all day long until somebody takes the bull by the horns and does it.

Wayne Harper replied you could have a Chief Executive that decides he wants to listen to other attorneys rather than local attorneys. They cannot stop the world, grippers or moaners. They were charged to do the best they can for the constituents and city of Butte. If we do what Anaconda does what did they do other than say we are not going to decide anything and let the public vote on everything? He believes they were elected to debate on what this community needs.

Northey Tretheway replied what he thinks Anaconda has brought up is what the charter is supposed to be about. Northey asked what does form and structure mean to you? To him it means what kind of government they use to deploy and push how they want the government to operate.

Bob Worley commented the Missoula charter and BSB's charter basically state the same thing. The only difference is BSB's charter is more detailed.

Wayne agrees with Shag that BSB has one of the best forms of government in the State of Montana.

Shag stated if the people don't understand it, the public will vote no.

Bob Worley discussed the bill that was mailed to him. The meeting that Meg, Wayne and he attended with Don Robinson. Shag Miller moved that the bill for \$1983.85 from Poore, Roth and Robinson be paid. Wayne Harper seconded. All were in favor and the motion carried.

Bob Worley commented that they need to decide if they are going to go with the existing charter or a simplified charter. Bob wanted to wait until after Northey, Shag and Wayne meet with Bob McCarthy to vote on which direction they want to proceed regarding the charter.

Wayne made a motion they do not bring Ken Weaver down. Wayne wanted a letter from him stating his concerns prior to them hiring him for his services.

Another suggestion Bob Worley had was having lunch and a phone conference with Ken Weaver.

Bob Worley asked if they wanted him to contact him to get a letter outlining his concerns and then he will schedule a phone conference.

Shag Miller volunteered to attend the presentation for the SCORE committee at the Chamber of Commerce on the 23rd of May.

Bob Worley did not want to push the agenda this week since they might have new information after the meeting with Bob McCarthy.

Bob Worley discussed that they as elected officials are covered under Worker's Compensation.

Date of Next Meeting: May 18, 2006

Adjournment: Bob Worley entertained a motion to adjourn. Wayne Harper moved and Dave Palmer seconded.

Meeting adjourned at approximately 7:00 p.m.